

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Alcove Ventures, LLC, d/b/a Psych360,

Plaintiff,

vs.

Sapphire Health, Inc., GeroPsych
Associates, Ltd., Psych360 Ltd., and
Matthew J. Hilfer,

Defendants.

Case No. 1:20-cv-00625

Judge Dan A. Polster

Consent Injunction and Order of Dismissal

WHEREAS, Plaintiff Alcove Ventures, LLC d/b/a Psych360 (“Plaintiff” or “Psych360”), and Defendants Sapphire Health, Inc. (“Sapphire”), GeroPsych Associates, Ltd. (“GeroPsych Associates”), Psych360 Ltd., and Dr. Matthew Hilfer (“Dr. Hilfer”) (collectively, “GeroPsych” or “Defendants”), are parties to this civil action (the “Litigation”) and the Court has personal jurisdiction over the parties and subject matter jurisdiction over the claims and defenses asserted in the Litigation;

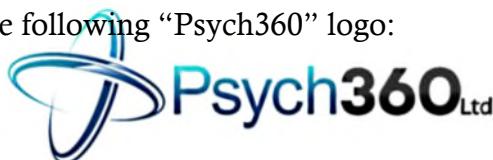
WHEREAS, since March 2016, Psych360 alleges it continuously has used in commerce the PSYCH360 word mark, the following Psych360 logo:



(the “Psych360 Logo”), and its *psych360.org* domain name (collectively, the “Psych360 Marks”) since 2015 to identify itself as the source of the services it offers and provides to at risk geriatric and mental health patients, their teams, and the facilities in which they receive services;

WHEREAS, in February and March of 2019, Defendants incorporated Psych360 Ltd. in Pennsylvania, acquired the domain names *psych360.com* and *psych360.net* (the “Domain Names”) and directed the Domain Names to a website on which GeroPsych Associates referred to itself as “Psych360” and offered services similar to those of Psych360;

WHEREAS, on April 17, 2019, GeroPsych Associates filed U.S. trademark application number 88/390,245 with the United States Patent and Trademark Office for registration of the following “Psych360” logo:



(the “Psych360 Ltd. Logo”), which registered on December 3, 2019, as U.S. Trademark Reg. No. 5,928,873 (the “Trademark Registration”); and,

WHEREAS, Plaintiff and Defendants, each by and through its undersigned attorneys, in consideration of the terms and conditions of a confidential written settlement agreement between the parties, hereby stipulate to the foregoing facts, consent to the dismissal of the claims and defenses asserted in this case with prejudice, and request entry and enforcement of a permanent injunction by consent on the terms and conditions set forth herein.

NOW, THEREFORE, based on the parties’ agreement, including the foregoing stipulated facts, and the Court’s conclusion that permanent injunction relief is warranted, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. This case is dismissed, with prejudice, pursuant to a confidential settlement agreement executed by the parties (the “Settlement Agreement”) having an Effective Date of date of the entry of this Consent Injunction (the “Effective Date”).

2. Each Defendant and, as applicable, its officers, agents, servants, employees and attorneys, along with all other persons who are in active concert or participation with any of them, is each permanently enjoined from:

- (a) identifying or referring to itself or its services as "Psych360" or "Psych 360";
- (b) using, or offering or providing services under, the Psych360 Logo, the Psych360 Ltd. Logo, or any colorable imitation of either;
- (c) adopting or using any corporate, assumed or other name, or any internet domain name, that comprises the number "360" to identify itself as the source of its goods or services, provided that the foregoing shall not preclude Dr. Hilfer from working as an employee, independent contractor, agent, or consultant for a bona fide third party that independently uses "360" in its corporate, assumed, trade or other name, or internet domain name; and,
- (d) using the words "psych" and "360" in proximity to one another for any marketing or promotional purposes or to otherwise offer, identify or refer to mental health services in any way, including with respect to any website owned or operated by or on its behalf.

3. The Court retains jurisdiction over the subject matter of and parties to this case for purposes of adjudicating any disputes arising under this Consent Injunction and Order of Dismissal and/or enforcement of the Settlement Agreement.

4. Each party shall bear its own costs and attorneys' fees.

IT IS SO ORDERED this 29th day of June 2020.



Judge Dan A. Polster
United States District Judge

Approved as to form and substance by:

/s/ David T. Movius
Counsel for Plaintiff Alcove
Ventures LLC, d/b/a Psych360

/s/ Christopher Holecek (by email consent)
Counsel for Defendants Sapphire
Health, Inc., GeroPsych Associates,
Ltd., Psych360 Ltd., and Matthew J. Hilfer